

Part Two, Section G

Officer Scheme of Delegation

This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "**Officer Scheme of Delegation.**"

It is separated into four parts:

Section 1: Introduction

Section 2: General Delegations

Section 3: Delegations to Chief Executive and Statutory Officers

Section 4: Proper Officer and specified officer functions

SECTION 1 – INTRODUCTION TO THE OFFICER SCHEME OF DELEGATION

1. “Officers” is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants and agency staff.
2. The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
3. In order to ensure the smooth functioning of the Council and the efficient delivery of services, **Full Council** and the **Cabinet** have delegated to officers all of the powers that they need to perform their roles.
4. Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles.
5. The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a **Chief Executive/Head of Paid Service** (as the most senior officer of the Council) supported by three other senior roles which are set out below and which together are referred to as the “**chief officers**”:
 - a. Chief Executive and Head of Paid Service
 - b. Executive Heads of Service
 - c. Chief Finance Officer (S151 Officer)
 - d. Chief Legal Officer (Monitoring Officer)
6. The **Head of Paid Service**, the **Chief Finance Officer (Section 151 Officer)** and the **Monitoring Officer** are also called “**Statutory Officers**” (because every Council is required by statute – the law – to have these posts).
7. It is possible (subject to any legal restrictions) for the roles of **the Chief Finance Officer** and/or the **Monitoring Officer** to be combined with another of the Chief Officer posts (or with other officer posts in the Council)
8. There are also a number of formal functions which the Council has to allocate to named officers called “Proper Officers”.
9. See the current organisational structure of the Council, showing more detail about the roles and responsibilities of the Chief Officers and the officers supporting them to deliver all the Council's services.

General Principles Relating to Officer Delegation

10. For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “**Designated Officer**” shall include the following officers:
 - a. Chief Executive and Head of Paid Service
 - b. Executive Heads of Service
 - c. Chief Finance Officer (S151 Officer)
 - d. Chief Legal Officer (Monitoring Officer)
11. This scheme gives the power for the **Designated Officers** to take decisions in relation to all the functions in their areas of responsibility except where:
 - a. a matter is prohibited by law from being delegated to an officer,
 - b. a matter has been specifically reserved to members or excluded from delegation by this scheme, by a decision of the **Full Council**, the **Cabinet/Executive** or a Committee or Sub-Committee.
12. No officer may take **key decisions** unless specifically provided for within the constitution or specifically delegated by the **Leader**, the **Cabinet**, a committee of Cabinet or a **Cabinet member**.
13. The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers either:
 - a. through a [Departmental Scheme of Delegation](#) (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). There is a full list of the Departmental Schemes of Delegation available on the Council's website, or
 - b. through a Specific Delegation in relation to an individual decision which must be evidenced in writing (email is considered in writing). A Specific Delegation does not need to be given where an officer is given delegated powers to action a particular decision by Council, Cabinet or a Committee or Sub-Committee.

General limitations on exercise of powers

14. Any matters falling within the scope of the Scheme will be subject to any limitation, imposed by statute, by the Full Council or Cabinet and/or any duly authorised Committee. In addition, in exercising these powers each Designated Officer:

- a. Will comply with relevant Procedure Rules including Financial Regulations and Contract Procedure Rules. In the event of any inconsistency or conflict between Financial Regulations and Contract Procedure Rules and these delegations then the former shall prevail. In the event that the inconsistency or conflict cannot be resolved by the application of this rule then the matter shall be settled by the Chief Executive with advice, where necessary and appropriate, from the Chief Finance Officer (Section 151 Officer) and/or the Monitoring Officer;
 - b. Will not depart from any approved policies, scheme, or, any direction of the Full Council or Cabinet and/or appropriate Committee;
 - c. Will consult the appropriate professional or technical officer of the Council; and
 - d. Will take account of any Council Strategy and Budget and Policy Framework approved by Council in relation to the management functions for which they are authorised.
15. The exercise by officers of the powers delegated under this Constitution involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.
16. Any Designated Officer may, in any case, instead of exercising their powers under the Scheme, refer any matter to the Council, the Cabinet or Committee for decision.

SECTION 2 – GENERAL DELEGATIONS TO DESIGNATED OFFICERS

General

1. To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of **Financial Procedure Rules** and **Contract Standing Orders**, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet
2. To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents
3. To carry out, or authorise the carrying out, of the functions of the **Proper Officer** of the Council in any legislation relating to those areas of responsibility assigned to Designated Officers
4. To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers
5. The power to place the services of any Council officers at the disposal of any person acting as the Returning Officer for an electoral area situated wholly or partly in the Borough

Incidental powers

6. In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions

Service Performance

7. To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value.
8. To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions.
9. To meet business critical and key performance indicator targets.
10. To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the **Contract Standing Orders**
11. To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the

Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

Legal

12. To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the **Monitoring Officer** as appropriate.
13. Subject to the agreement of the **Monitoring Officer**, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
14. To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the **Monitoring Officer**
15. To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
16. To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
17. To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities
18. To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
19. To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
20. To authorise the recovery by legal proceedings of any sum to which the Council is entitled
21. To take the action necessary to comply with any Court Order made against the Council
22. To appoint officers as authorised officers for any statutory purpose.
23. To accept, hold and administer any property on trust (in consultation with the **Monitoring Officer** and **Chief Finance Officer (Section 151 Officer)**)

24. To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters:

25. Exercising all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Chief HR Officer as required, including:
 - a. Taking all decisions relating to changes to the establishment; save in relation to the Executive Leadership Team which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
 - b. Power to designate posts as casual or essential car users in accordance with agreed procedures
26. Power to defray expenses properly incurred by an officer of the Council
27. Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
28. Approval of extension of special leave with pay
29. Extensions of accident pay beyond the national, provincial or local agreements
 - a. Grant of honoraria and where relevant ex-gratia payments to employees
 - b. Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Chief HR Officer Head and save in relation to **chief officers** which is reserved to the Human Resources Committee
30. Re-designation of posts subject to normal consultative procedures
31. Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme
32. To consider requests from employees to engage in any other regular employment for which payment is received
33. Decisions not to reclaim maternity pay
34. Deletion of vacant and creation of new posts
35. Appointments to posts in accordance with agreed procedures and pay scales, save in relation to **chief officers** which is reserved to the Human Resources Committee

36. Power to authorise recruitment and retention terms for individual posts save in relation to **chief officers** which is reserved to the Human Resources Committee
37. Disciplinary/capability action, save in relation to the **Executive Leadership Team** which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with the Officer Employment Procedure Rules.
38. Dismissals of officers, save in relation to **chief officers** which is reserved to the Human Resources Committee. The power to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the **Chief Finance Officer**, save in relation to **chief officers** which is reserved to the Human Resources Committee.
39. Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Chief HR Officer and save in relation to **chief officers** which is reserved to the Human Resources Committee.
40. Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
41. Approval of payment of allowances to employees
42. Approval of more than 5 days carry-over of annual leave to the following leave year

Administrative Matters

43. Power to deal with requests for access to Council premises by the media
44. Power to waive charges where justified in exceptional circumstances and where this is legally permissible

Finance

45. Officers are referred to the Financial Regulations at Part Three of the Constitution

Contracts

46. Officers are referred to the **Contract Procedure Rules** at Part Three of the Constitution

Property Matters

47. Any decision concerning the management or use of land held for the operational requirements of the officers of a service area, subject to the following provisions
48. Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking are reserved to the **Monitoring Officer**

49. Subject to the agreement of the Executive Head of Commercial, the power to acquire or dispose of any land or property with a capital value below £1000,000 except by use of compulsory powers or in advance of identified requirements. The power to acquire or dispose of any land or property with a capital value equalling or exceeding £100,000 but less than £250,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Executive Head of Regeneration and Enforcement.
50. Subject to the agreement of the Executive Head of Commercial the power to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum. The power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £250,000 is reserved to the Executive Head of Regeneration and Enforcement.
51. Subject to the agreement of the Executive Head of Commercial, the power to settle compensation for the loss of interests in land up to a maximum of £100,000 per interest where in the approved capital programme.
52. The power to survey land which the Council proposes to acquire compulsorily
53. The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land

Emergencies (e.g. flooding, power failure etc.)

54. Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, all Designated Officers may:
 - a. incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - b. make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
55. The preparation of Civil Emergency Plans for the Council, in consultation all necessary outside bodies and organisations.

Equalities and Public Health

56. To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations

57. Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities, sanitary conveniences and appropriate signage

Energy and Climate Change

58. When carrying out any of the Council's functions:
- a) To promote the Council's policies relating to climate change from time to time in force
 - b) To have regard to the most recent energy measures report from central government
 - c) To have regard to the HBC Strategy for the Environment, Climate Change and Energy.

Health and Safety

59. To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

60. To comply with the duties and powers imposed by the Access to Information Standing Orders

Responding to consultations and proposals

61. To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers and local authorities, in consultation with the relevant **Cabinet member**

Submission of grant funding bids

62. To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects and initiatives consistent with Council policies, following consultation with the relevant **Cabinet member**, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the **Contract Procedure Rules**.

Complaints

63. To take action regarding complaints received
64. To settle any Ombudsman / Complaint Cases:
- a. cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman

- b. complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer
- c. To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

Attestation of the Common Seal of the Council

- 65. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.
- 66. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or where required by the Contract Procedure Rules.
- 67. The affixing of the Seal on documents shall be attested by any one of the following officers:
 - a. Chief Executive;
 - b. Monitoring Officer;
 - c. Chief Finance Officer;
 - d. Solicitor for the Council;
 - e. or any officer authorised by them either in relation to a specific document or particular categories of documents.

SECTION 3 – DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the **Chief Executive** and each **statutory officer** then follows.

A table of designated **Proper Officers** is set out below:

Legislative Provision	Statutory power the Council must delegate to an officer	Officer designated as the statutory officer
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Chief Finance Director
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Chief Legal Officer
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act	Chief Legal Officer

Functions delegated to the Head of Paid Service (Chief Executive)

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally.
2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:
 - a. the manner in which the discharge by the authority of their different functions is co-ordinated;
 - b. the number and grades of staff required by the authority for the discharge of their functions;
 - c. the organisation of the authority's staff;
 - d. the appointment and proper management of the authority's staff.
3. To be responsible for and take action in relation to corporate strategy, policy initiatives and integrated planning and service delivery.
4. The corporate management of the Council and, specifically:

- a. Advice to the Council on the Policy Framework
 - b. Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis
 - c. The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the **Full Council** and the **Executive** shall determine.
5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's **Chief Finance Officer (s151 Officer)** or the **Monitoring Officer**. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which **Designated Officer** is to exercise that power.
6. To provide the 'certificate of opinion' for an employee making application to the **Standards Committee** for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 (opinion as to whether the duties of the post involve regularly giving advice to members or speaking to journalists/broadcasters).
7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
8. The power to determine that an emergency has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the District or war or terrorism which threatens serious damage to the security of the United Kingdom.
9. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.
10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.
11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in above may be exercised by any other **chief officer** who is available to act.
12. In the event that all members of the **Cabinet** are removed from office, to exercise all Cabinet functions in consultation with the Mayor of the Council until a new Cabinet has been appointed.
13. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.
14. The review of electoral arrangements and District boundaries.

15. Taking all decisions relating to changes to the establishment for all staff including the **Executive Leadership Team**, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.
16. To make all necessary amendments to the Council's human resources policies to ensure their accuracy, legal and best practice compliance in consultation with the Chief HR Officer, Human Resources Committee, Leader of the Council and relevant Portfolio Holder.
17. To take disciplinary action, not including dismissal, against any members of the **Executive Leadership Team** . In the case of the **Monitoring Officer** and **Chief Finance Officer** to act in accordance with Officer Employment Procedure Rules in Part 3 of the Constitution and agreed procedures.

Functions delegated to the S151 Chief Finance Officer

18. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's **Financial Procedure Rules** and under the Constitution generally, including carrying out all **Treasury Management** activities.
19. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972.
20. To contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
21. Maintaining strong financial management underpinned by effective financial controls by:
 - a. Advising on effective systems of internal management and financial control;
 - b. Ensuring that financial management arrangements are sound and effective;
 - c. Ensuring a prudential financial framework is in place;
 - d. Ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls;
 - e. Securing effective arrangements for prudential borrowing, treasury management, pensions and trust funds;
 - f. Ensuring there is an effective internal audit function and assisting management in providing effective arrangements for financial scrutiny;
 - g. Advising on anti-fraud and anti-corruption strategies and measures;
 - h. Securing effective systems of financial administration; and

- i. Ensuring that statutory and other accounts and associated claims and returns in respect of grant are prepared.
- 22. To approve the detailed format of the financial plan and the revenue budget prior to approval by the **Full Council**.
- 23. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992.
- 24. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003.
- 25. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and **Budget and Policy Framework** issues to Council officers and members.
- 26. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988.
- 27. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988.
- 28. To manage the capital programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources.
- 29. To approve the draft Council's Accounts and Accounting Policies by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2015
- 30. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to **chief officers** which is reserved to the Joint Human Resources Committee.
- 31. To write off uncollectible debts relating to the management of tenanted properties, up to the level equivalent to four months' rent. All debts written off this way would be reported to **Cabinet** for information through the quarterly reporting procedures.
- 32. To provide financial information to the media, members of the public and the community

Functions delegated to the Monitoring Officer (Chief Legal Officer)

- 33. To act as the Council's statutory **Monitoring Officer** pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally.
- 34. To ensure that the Council, its officers and its elected Councillors maintain the highest standards of conduct.

35. To contribute to the corporate management of the Council, in particular thorough the provision of professional legal advice.
36. To establish and maintain the **Code of Conduct for Councillors**, dealing with the conduct that is expected of Councillors and co-opted members of the authority when they are acting in that capacity.
37. establish and maintain a register of interests of Councillors and co-opted members of the authority in accordance with the provisions of the Localism Act 2011.
38. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the **Standards Committee**.
39. To receive and act on reports made by the **Standards Committee**.
40. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the **Standards Committee**.
41. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and **Budget and Policy Framework** issues to Council officers and members.
42. To report to Councillors on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989.
43. To advise whether decisions of the **Cabinet** are in accordance with the **Budget and Policy Framework**.
44. To be responsible for the maintenance and operation of the Council's Constitution. The Monitoring Officer has authority to make minor amendments and corrections to the Constitution to ensure that:
 - a. legislative references are updated;
 - b. it reflects the Council's structures and decision-making requirements;
 - c. consequential amendments are made as a result of Council and Cabinet decisions;
 - d. it is clear and unambiguous and maintains efficiency of operations; and
 - e. any other required changes are made as appropriate.

The Monitoring Officer shall report changes pursuant to this part to the next available meeting of the **Full Council**.

45. To advise and assist the Democratic and Elections Services Manager with the proper performance of the Access to Information Standing Orders.

46. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.
47. To approve applications to use the Council's Crest, Coat of Arms or Badge within the approved guidelines.
48. For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:
 - a. The right of access to all documents and information held by or on behalf of the Council, including documents and information held by any officer or member of the Council. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political group represented on the Council;
 - b. The right of access to any meetings of officers or members (or both) of the Council, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council;
 - c. The right to require any officer or member of the Council, or any contractor of the Council, to provide an explanation of any matter under investigation;
 - d. The right to require the assistance of any officer of the Council in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer;
 - e. A power to mediate a local resolution to any complaint of breach of the Council's Councillors' Code of Conduct, in accordance with the Council's relevant procedures;
 - f. The right of access to the Head of the Paid Service (the Chief Executive), relevant Executive Heads of Service and the Chief Finance Officer;
 - g. The right, after consultation with the Head of the Paid Service (the Chief Executive) and/or the Chief Finance Officer where appropriate to notify the Police, the Council's auditors and other regulatory agencies of their concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions; and
 - h. The right to obtain legal advice at the Council's expense, either internally or from an independent external solicitor or barrister, on any matter which they believes necessitates the same, and sufficient financial resource to enable them to do so.

SECTION 4 – PROPER OFFICER AND SPECIFIED OFFICER FUNCTIONS

1. Many legislative provisions require the appointment of a "**Proper Officer**" to undertake formal responsibilities on behalf of the Council.
2. The **Chief Executive** shall be the **Proper Officer** of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:
 - a. such designation is given by the Council to any other officer or
 - b. Chief Executive/Head of Paid Service, exercising the powers given to him/her by this Constitution, appoints another officer of the Council to be the **Proper Officer** for a specific service area or function.

A table of designated **Proper Officers** is set out below:

Function	Legislative Provision	Proper Officer	Deputy
Reference in legislation to the "Clerk"	Any legislation before October 1972	Chief Finance Officer (Section 151 Officer)	Deputy Section 151 Officer
Appointment as Parish Trustee with Chair of Parish as body corporate for a Parish Meeting; The officer responsible for convening newly created Parish Councils	Local Government Act 1972 Section 13(3)	Monitoring Officer	Democratic and Election Services Manager
Witness and receipt of declaration of acceptance of office	Local Government Act 1972 Section 83	Chief Executive	Monitoring Officer
Receipt of notice of resignation by Councillor	Local Government Act 1972 Section 84	Chief Executive	Monitoring Officer
Declare any vacancy in office	Local Government Act 1972 Section 86	Chief Executive	Monitoring Officer
Convening a meeting of Council to fill casual vacancy in office of Chair	Local Government Act 1972 Section 88(2)	Chief Executive	Monitoring Officer
Receipt of notice of casual vacancy from two local government electors (Also for Parish and Community Councils)	Local Government Act 1972 Section 89(1)(b) Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Chief Executive	Monitoring Officer

Signature of summons to council meetings	Local Government Act 1972 Section 99 & Schedule 12 Para.4(1A)(b)	Chief Executive	Monitoring Officer
Exclusion of reports, etc. from inspection	Local Government Act 1972 Section 100B Schedule 12A	Monitoring Officer	Deputy Monitoring Officer
Written Summary where minutes would disclose exempt information	Local Government Act 1972 Section 100C	Monitoring Officer	Deputy Monitoring Officer
Compilation of list of background papers	Local Government Act 1972 Section 100D	Monitoring Officer	Deputy Monitoring Officer
Exclusion from production to Councillors of documents disclosing exempt information	Local Government Act 1972 Section 100F	Monitoring Officer	Deputy Monitoring Officer
Receipt of money due from officers	Local Government Act 1972 Section 115(2)	Chief Finance Officer (Section 151 Officer)	Deputy Section 151 Officer
Declarations and certificates with regard to securities	Local Government Act 1972 Section 146(1)(a)	Chief Finance Officer (Section 151 Officer)	Deputy Section 151 Officer
The officer having responsibility for the proper administration of the financial affairs of the Council.	Local Government Act 1972 Section 151 Also Local Government Finance Act 1988 Sections 112-116 and any reference in legislation before October 1972 to the "Treasurer" of a local authority	Chief Finance Officer (Section 151 Officer)	Deputy Section 151 Officer
Functions with respect to ordnance survey	Local Government Act 1972 Section 191	Executive Head of Place	
Charity functions	Local Government Act 1972 Section 210	Chief Executive Officer	Chief Finance Officer (Section 151 Officer)
Authorise officers to appear in legal proceedings	Local Government Act 1972 Section 223 (Also Section 60 County Courts Act 1984)	Monitoring Officer	Deputy Monitoring Officer
Deposit of documents pursuant to the Standing Orders of either Houses of Parliament or to any enactments/instruments and any action as may be directed	Local Government Act 1972 Section 225(1)	Monitoring Officer	Deputy Monitoring Officer

Certification of photographic copies of documents	Local Government Act 1972 Section 229(5)	Monitoring Officer	Deputy Monitoring Officer
Authentication of documents	Local Government Act 1972 Section 234(1)	Monitoring Officer	Deputy Monitoring Officer
Sending confirmed byelaws to the Proper Officer of every Parish and Community Council to which they apply	Local Government Act 1972 Section 236	Monitoring Officer	Deputy Monitoring Officer
Certification of byelaws	Local Government Act 1972 Section 238	Monitoring Officer	Deputy Monitoring Officer
Keeping of roll of Freemen	Local Government Act 1972 Section 248	Chief Executive	Monitoring Officer
Officer to whom Councillors shall give notice of address desiring Council summonses to be sent where not place of residence	Local Government Act 1972 Schedule 12 Para.4(3)	Chief Executive	Monitoring Officer
Certification of resolutions under paragraph 25 applying or dis-applying provisions under the Public Health Acts 1875 onwards	Local Government Act 1972 Schedule 14 Para.25(7)	Chief Executive	Executive Head for Place
Authentication of documents and issue of notices	Various including: (a) Statutory notices under the Public Health Acts 1936 and 1961, the Control of Pollution Act 1974, the Housing Acts 1957 and 1988 and the Local Government Act 1989 (other than for Council Houses), the Local Government Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1948, the Food Safety Act 1990 and the Environmental Protection Act 1990 (as it relates to statutory nuisances)	Executive Head for Place	

	<p>(b) Notices under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations</p> <p>(c) any other matter</p>		
Receipt on deposit of lists of buildings of special architectural or historical interest and Building Preservation Notices	Town and Country Planning Act 1971 Sections 54 & 58	Executive Head for Place	
Officer having responsibility for the storage and charge of cemetery records	Local Authorities' Cemeteries Order 1977 Article 12	Executive Head for Commercial	
Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule	Local Authorities' Cemeteries Order 1977 Paragraph 1 of Parts I & II of Schedule 2	Executive Head for Commercial	
The Registration Officer for any constituency of part of a constituency coterminous or situated in the District.	Representation of the People Act 1983 Section 8 and 52	Chief Executive	Monitoring Officer
The Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and to receive declarations of Election expenses	Local Government Act 1972 Section 35(1) Local Government Act 1972 Section 82	Chief Executive	Monitoring Officer
Receipt from Returning Officer of: the names of persons elected to the Council; and election documents.	Local Elections (Principal Areas) (England and Wales) Rules 2006/3304	Chief Executive	Monitoring Officer

Retention of election documents and making them available for public inspection.			
Publication of Ombudsman reports.	Local Government Act 1974 Part 3 - Section 30	Chief Executive	Monitoring Officer
(a) Various purposes with regard to drainage, water supply, sanitary accommodation. (b) Purposes relating to building control other than those comprised in (a) above (c) authorise action in relation to dangerous structures under Section 78	Building Act 1984	Executive Head for Place	
To determine applications for exemption from the list of Politically Restricted Posts Maintain a list of Politically Restricted Posts	Local Government and Housing Act 1989 Section 3A Section 2	Executive Head of Internal Services	Chief HR Officer
Receipt of Notice re changes to Political Groups Receipt of Notice of Cessation of Membership of Political Groups To accept wishes of Political Groups in respect of proportionality To notify Political Groups of allocations	Local Government and Housing Act 1989 Sections 15,16 & 17 Local Government Political Groups) Regulations 1990 Paras 9, 10, 13 & 14	Chief Executive	Monitoring Officer
Discharging the functions for dealing with stray dogs	Environmental Protection Act 1990 Sections 149 - 151	Executive Head for Place	
Service of notices requiring details of any interests in land.	Local Government (Miscellaneous Provisions) Act 1976 Sections 16	Executive Head for Commercial	Head of Property and Asset Management
Certification of copies of resolutions, minutes and other documents	Local Government (Miscellaneous Provisions) Act 1976 Section 41	Monitoring Officer	Deputy Monitoring Officer
Duty of local authority to supply forms to doctors for	Public Health Act 1936 Sections 11, 48, 58 & 60	Executive Head for Place	

purposes of Section 48 - Removal of dead body to mortuary for burial. Section 58 - authentication of documents Section 60 - Service of notices and other documents	Public Health (Control of Disease) Act 1984		
The local registrar within the meaning of the Land Registration Act 2002 and Local Land Charges Act 1975 who shall register any Matters specified by these Acts affecting land situate within the District.	Land Registration Act 2002 and Local Land Charges Act 1975	Executive Head for Commercial	Head of Customer Services
Entertainments, licensing control of sex shops and public health	Local Government (Miscellaneous Provisions) Act 1982	Executive Head for Place	
Licensing and gambling functions	Licensing Act 2003 Gambling Act 2005	Executive Head for Place	
Non-disclosure where potential to prejudice the effective conduct of public Affairs	Freedom of Information Act 2000 Section 36	Monitoring Officer	Deputy Monitoring Officer
Proper Officer Functions for petitions and referenda	Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Executive	Monitoring Officer
29 – Establish and maintain a register of Councillors' and co-opted Councillors' interests 30 – 31 – Receipt of Councillors and co-opted Councillors' declarations of interests and changes to those interests within twenty-eight days 32 – Sensitive Interests 33 – Dispensations from restrictions under Section 31(4)	Localism Act 2011 Sections 29 - 33	Monitoring Officer	Deputy Monitoring Officer
Proper Officer functions in relation to referenda	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Executive	Monitoring Officer

Proper Officer functions anti-social behaviour and community protection	Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014	Executive Head for Regeneration and Enforcement	
Proper Officer for notification to deal with objections by Cabinet to appointments or dismissals of Chief Officers	Local Authorities (Standing Orders) (England) Regulations 2001/3384	Chief Executive	Monitoring Officer
Data Protection Officer (under the GDPR (UK GDPR from 1 January 2021))	Data Protection Act 2018; General Data Protection Regulation	Executive Head of Internal Resources	Data Protection Officer
Making a report to Council where a key decision has been made without a Key Decision Notice nor in compliance with the Cabinet Procedure Rules.	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089	Monitoring Officer	Deputy Monitoring Officer
Any other provisions for which arrangements are not made above or in the Scheme of Delegation to Officers (whether made before or after this list was last updated) requiring a Proper Officer or authorised Officer from time to time – either to nominate a Proper Officer or exercise the functions.	Any	Chief Executive	Chief Finance Officer (Section 151 Officer)